

Douglas J. Dixon, State Bar No. 275389
ddixon@hueston.com
HUESTON HENNIGAN LLP
620 Newport Center Drive, Suite 1300
Newport Beach, CA 92660
Telephone: (949) 229-8640
Facsimile: (888) 775-0898

Jonathan Kanter, D.C. Bar No. 473286
(pro hac vice pending)
jonathan@kanterlawgroup.com
Brandon Kressin, D.C. Bar. No. 1002008
(pro hac vice pending)
brandon@kanterlawgroup.com
THE KANTER LAW GROUP, PLLC
1717 K Street N.W., #900
Washington, D.C. 20006
Telephone: (202) 792-3037

Attorney for Third-Party Respondent
Yoga Buddhi Co.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EPIC GAMES, INC.,

Plaintiff and Counter-Defendant,

vs.

APPLE INC.,

Defendant and Counterclaimant.

IN RE APPLE iPHONE ANTITRUST
LITIGATION

DONALD R. CAMERON, et al.,

Plaintiffs,

vs.

APPLE INC.,

Defendant.

Case No. 4:20-cv-05640-YGR
Case No. 4:11-cv-06714-YGR
Case No. 4:19-cv-03074-YGR

**DECLARATION OF BENJAMIN SIMON
PURSUANT TO CIVIL LOCAL RULE 79-
5(d)(1)(A) IN SUPPORT OF
ADMINISTRATIVE MOTION TO SEAL
DOCUMENTS AT TRIAL PURSUANT TO
CIVIL LOCAL RULE 79-5(E)**

DECLARATION OF BENJAMIN SIMON

I, Benjamin Simon, declare as follows:

1. I am Chief Executive Officer and Co-Founder at Yoga Buddhi Co. In this position, I oversee Yoga Buddhi Co.'s subscription fitness and wellness apps, which I will collectively refer to as Down Dog. Yoga Buddhi Co. is a non-party in the three above-captioned actions.

2. I have been employed by Yoga Buddhi Co. since 2015. Through the course of my employment with Yoga Buddhi Co., I have become familiar with its treatment of proprietary business information, such as that discussed in this declaration. I make this declaration pursuant to Northern District of California Civil Local Rule 79-5(e)(1) and in support of Yoga Buddhi Co.'s Administrative Motion to File Under Seal Portions of Proposed Findings of Fact and Conclusions of Law ("Motion to Seal"). I know the facts stated herein based on my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

3. I have reviewed Yoga Buddhi Co.'s Motion to Seal and understand that parties in this litigation have identified trial exhibits which implicate the personally identifying information of Yoga Buddhi Co.'s users. Specified portions of the exhibits should remain under seal for the reasons stated in this declaration.

4. I was deposed in the above-captioned actions on April 23, 2021. I understand that, during my deposition, counsel for Yoga Buddhi requested that my deposition testimony be designated Highly Confidential pursuant to protective orders entered in the above-captioned actions.

5. I have reviewed Exhibit A to my declaration, designated as Exhibit PX-2395 by Epic. This document is an email between a user and employee of Yoga Buddhi Co initiated on May 12, 2020. It contains the user's personally identifying information. Specifically, it contains identifying information in the email signature lines and email address lines on pages 1 and 2 of the document. Disclosing this information would place the user at risk of invasions of privacy. Yoga Buddhi Co. and its users would be injured by unnecessarily exposing its users' private information. Yoga Buddhi Co. seeks redaction of this personally identifying customer information in the Exhibit.

1 6. I have reviewed Exhibit B to my declaration, designated as Exhibit PX-2396 by
2 Epic. This document is an email between a user and employee of Yoga Buddhi Co initiated on June
3 22, 2020. It contains the user's personally identifying information. Specifically, it contains
4 identifying information in the email signature lines, portions of the email text, the salutations
5 within the emails, and the email address lines on pages 1 and 2 of the document. Disclosing this
6 information would place the user at risk of invasions of privacy. Yoga Buddhi Co. and its users
7 would be injured by unnecessarily exposing its users' private information. Yoga Buddhi Co. seeks
8 redaction of this personally identifying customer information in the Exhibit.

9 7. I have reviewed Exhibit C to my declaration, designated as Exhibit PX-2397 by
10 Epic. This document is an email between a user and employee of Yoga Buddhi Co initiated on
11 January 8, 2021. It contains the user's personally identifying information. Specifically, it contains
12 identifying information in the email address lines in the document. Disclosing this information
13 would place the user at risk of invasions of privacy. Yoga Buddhi Co. and its users would be
14 injured by unnecessarily exposing its users' private information. Yoga Buddhi Co. seeks redaction
15 of this personally identifying customer information in the Exhibit.

16 8. I have reviewed Exhibit D to my declaration, designated as Exhibit PX-2398 by
17 Epic. This document is an email between a user and employee of Yoga Buddhi Co initiated on July
18 23, 2020. It contains the user's personally identifying information. Specifically, it contains
19 identifying information in the email signature line and email address lines in the document.
20 Disclosing this information would place the user at risk of invasions of privacy. Yoga Buddhi Co.
21 and its users would be injured by unnecessarily exposing its users' private information. Yoga
22 Buddhi Co. seeks redaction of this personally identifying customer information in the Exhibit.

23 9. I have reviewed Exhibit E to my declaration, designated as Exhibit PX-2399 by
24 Epic. This document is an email between a user and employee of Yoga Buddhi Co initiated on
25 January 2, 2021. It contains the user's personally identifying information. Specifically, it contains
26 identifying information in the email address line in the document. Disclosing this information
27 would place the user at risk of invasions of privacy. Yoga Buddhi Co. and its users would be
28

1 injured by unnecessarily exposing its users' private information. Yoga Buddhi Co. seeks redaction
2 of this personally identifying customer information in the Exhibit.

3 10. I have reviewed Exhibit F to my declaration, designated as Exhibit PX-2404 by
4 Epic. This document is an email between a user and employee of Yoga Buddhi Co initiated on
5 December 6, 2018. It contains the user's personally identifying information. Specifically, it
6 contains identifying information in the salutations and email address lines on pages 1 and 2 of the
7 document. Disclosing this information would place the user at risk of invasions of privacy. Yoga
8 Buddhi Co. and its users would be injured by unnecessarily exposing its users' private information.
9 Yoga Buddhi Co. seeks redaction of this personally identifying customer information in the
10 Exhibit.

11 11. I have reviewed Exhibit G to my declaration, designated as Exhibit PX-2405 by
12 Epic. This document is an email between a user and employee of Yoga Buddhi Co initiated on
13 November 26, 2018. It contains the user's personally identifying information. Specifically, it
14 contains identifying information in the email signature lines, the salutations, and the email address
15 lines on pages 1 through 5 of the document. Disclosing this information would place the user at risk
16 of invasions of privacy. Yoga Buddhi Co. and its users would be injured by unnecessarily exposing
17 its users' private information. Yoga Buddhi Co. seeks redaction of this personally identifying
18 customer information in the Exhibit.

19 12. I have reviewed Exhibit H to my declaration, designated as Exhibit PX-2406 by
20 Epic. This document is an email between a user and employee of Yoga Buddhi Co initiated on
21 November 24, 2018. It contains the user's personally identifying information. Specifically, it
22 contains identifying information in the email signature lines, the salutations, portions of the body of
23 the email text, and the email address lines on pages 1 and 2 of the document. Disclosing this
24 information would place the user at risk of invasions of privacy. Yoga Buddhi Co. and its users
25 would be injured by unnecessarily exposing its users' private information. Yoga Buddhi Co. seeks
26 redaction of this personally identifying customer information in the Exhibit.

27 13. I have reviewed Exhibit I to my declaration, designated as Exhibit PX-2407 by Epic.
28 This document is an email between a user and employee of Yoga Buddhi Co initiated on October 4,

1 2018. It contains the user's personally identifying information. Specifically, it contains identifying
2 information in the email signature lines, the salutations, portions of the body of the email text, and
3 the email address lines on pages 1 and 2 of the document. Disclosing this information would place
4 the user at risk of invasions of privacy. Yoga Buddhi Co. and its users would be injured by
5 unnecessarily exposing its users' private information. Yoga Buddhi Co. seeks redaction of this
6 personally identifying customer information in the Exhibit.

7 14. I have reviewed Exhibit J to my declaration, designated as Exhibit PX-2409 by
8 Epic. This document is an email between a user and employee of Yoga Buddhi Co initiated on
9 January 2, 2017. It contains the user's personally identifying information. Specifically, it contains
10 identifying information in the email salutations and email address lines on pages 1 of the document.
11 Disclosing this information would place the user at risk of invasions of privacy. Yoga Buddhi Co.
12 and its users would be injured by unnecessarily exposing its users' private information. Yoga
13 Buddhi Co. seeks redaction of this personally identifying customer information in the Exhibit.

1 I declare under penalty of perjury of the laws of the United States of America that the
2 foregoing is true and correct. This declaration was executed this 29 day of April 2021, in
3 San Francisco, California.

4 
5 BENJAMIN SIMON